



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

MAR 19 2014

Jonathan McDade
New York Division Administrator
Federal Highway Administration
Leo O'Brien Federal Building,
Room 719, 11A Clinton Avenue
Albany, NY 12207

John Masi, Project Manager
Region One Design
New York State Department of Transportation
50 Wolf Road, POD 2-3
Albany, NY 12232

RE: Interstate 87 Exit 4 Access Improvements – P.I.N 1721.51, and BIN's 1033141/1033142

Dear Mr. McDade and Mr. Masi:

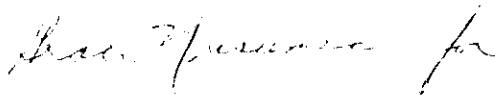
The U.S. Environmental Protection Agency has reviewed the Federal Highway Administration/ New York State Department of Transportation's draft environmental impact statement (DEIS) on the Interstate 87 Exit 4 Access Improvements (CEQ# 20140035). The Project, located in the Town of Colonie, Albany County, NY, addresses several issues: the need to provide improved access between Interstate 87 (I-87), Wolf Road, and the Albany International Airport; the structural deficiencies of the existing I-87 bridges over Albany-Shaker Road; and the above statewide average crash rate at seven intersections in the study area. In addition, the existing roadway network does not provide direct access between I-87 southbound and Wolf Road or between I-87 and Albany International Airport. This review was conducted in accordance with Section 309 of the Clean Air Act, as amended (42 U.S.C. 7609, PL 91-604 12(a), 84 Stat. 1709), and the National Environmental Policy Act (NEPA).

The DEIS presents three alternatives – the no-build or "no action" alternative, the Diamond Alternative, and the Flyover Alternative. EPA acknowledges that the NYSDOT evaluated many other alternatives during the early phases of the NEPA process. The no-build alternative does not meet the purpose and need of the project. The Diamond Alternative, while meeting the purpose and need, results in almost twice the amount of wetlands impacts and is twice the cost of the Flyover Alternative. As such, the Flyover Alternative has been chosen as the preferred alternative in the DEIS.

As stated in the DEIS, this project is located in the Schenectady-Niskayuna Aquifer System, designated by the EPA as a Sole Source Aquifer on January 14, 1985 (citation 50 FR 2022). Because we require additional information, as specified in the enclosed technical comments and recommendations, to complete EPA's sole source aquifer review conducted in accordance with Section 1424(e) of the Safe Drinking Water Act, we are rating the DEIS as an EC-2; environmental concerns – additional information needed (see enclosed rating sheet). Otherwise, we find the wetlands and noise mitigation as described in the DEIS to be appropriate for the Flyover Alternative.

Thank you for the opportunity to comment on this project. If you have any questions concerning our comments, please contact Lingard Knutson of my staff at (212) 637-3747.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Judy-Ann Mitchell for".

Judy-Ann Mitchell, Chief
Sustainability and Multi-Media Programs Branch

Enclosures

EPA Technical Comments on FHWA/NYS DOT
Interstate 87 Exit 4 Access Improvements Draft Environmental Impact Statement
Dated January 2014

Air Quality

1. MOVES 2010 - EPA encourages the project sponsor to utilize the most updated motor vehicle emissions model when completing CO and PM hot spot analyses. Although there is no federal requirement to complete a hot spot analysis for this project, the project sponsor has utilized EPA's older MOBILE 6.2 model to complete a "microscale" analysis to meet state requirements. EPA established a two year grace period (75 FR79370) before MOVES2010a (also applies to MOVES 2010b) must be used for quantitative hot spot analyses. This grace period ended on December 20, 2012. EPA will be releasing the newest update to MOVES (MOVES 2014) sometime this spring. It is anticipated that this updated model will have a grace period as well.

The conformity rule provides flexibility for analyses that are started before the end of the grace period. A conformity determination for a transportation project may be based on a previous model if the project was started before or during the grace period, and if the final environmental document for the project is issued no more than three years after the issuance of the draft environmental document.

2. Transportation Conformity - As of July 20, 2013, the 1997 8hr Ozone standard was revoked for transportation conformity purposes for the Albany-Schenectady-Troy nonattainment area. The area was designated attainment for the new 2008 8hr Ozone standard and therefore, transportation conformity does not apply. No conformity determination is required for this area.
3. Clean Construction – New York State Department of Transportation should ensure all contractor compliance with New York State's Diesel Emission Reduction Act which requires ultra-low sulfur diesel and best available retrofit technology for covered heavy duty vehicles. Please see <http://www.dec.ny.gov/regs/56377.html> and <http://www.dec.ny.gov/chemical/74288.html> for information.

Sole Source Aquifer Review

1. Because the surficial aquifer is shallow (with a water table as little as 1 foot below grade in places), it is quite susceptible to contamination. EPA accepts the result of the Toler analysis which suggests that contamination due to road salting will be minimal. We note that while the ramps being constructed represent an additional 1 to 2 miles of pavement that would require salting, service roads and exit ramps just north of Albany Shaker Road are being eliminated, so the net addition of pavement may be close to zero. We assume,

of course, that when salting is required, all the best management practices and equipment to minimize the quantity of salt applied will be in place.

2. EPA requires more information concerning ramp/bridge supports construction and depth prior to completing our review under Section 1424(c). If the pilings penetrate the aquifer, what precautions will be taken during and after construction to insure that the annular space around the supports will not open the aquifer to contamination? Will the annular space be sealed, for example, with bentonite or an equivalent sealant?

SUMMARY OF RATING DEFINITIONS AND FOLLOW-UP ACTION
Environmental Impact of the Action

LO-Lack of Objections

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC-Environmental Concerns

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

EO-Environmental Objections

The EPA review has identified significant environmental impacts that must be avoided to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU-Environmentally Unsatisfactory

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of environmental quality, public health or welfare. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommend for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1-Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2-Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

Category 3-Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analysis, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From: EPA Manual 1640, Policy and Procedures for the Review of Federal Actions Impacting the Environment. ↻